

REMARKS

Favorable reconsideration of this application, in light of the above amendments and the following remarks, is respectfully requested.

Claims 1-11 are pending in this application. Claim 1 is the sole independent claim. Claims 1-11 are currently amended.

SUMMARY OF EXAMINER INTERVIEW

Initially, Applicant wishes to thank Examiner Sholeman and SPE Moise for their time during the telephone interview of May 27, 2009, the content of which is summarized below.

During the interview, the 35 U.S.C. §103 rejection of independent claim 1 based on U.S. Patent 6,987,854 to Maillard ("Maillard") and U.S. Patent 7,062,658 to Cheriton *et al.* ("Cheriton") was discussed. The Examiners asserted that the "local network" of claim 1 could be construed as the connection between the portable support device (smart card) and the decoder and that "transmitting the network key over the local network" of claim 1 could be construed as the supply of the second key from the portable support device to the decoder.

However, in view of the claim amendments above and for the reasons below, Applicant submits that Maillard and Cheriton, alone or in combination, fail to teach or fairly suggest "transmitting the network key over the local network," recited in independent claim 1. Also, in view of the claim amendments above and for the reasons given below, Applicant submits that the "network key" and "local key" as recited in claim 1 are different.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,987,854 to Maillard ("Maillard") in view of U.S. Patent 7,062,658

to Cheriton *et al.* ("Cheriton"). Applicant respectfully traverses this rejection for the reasons detailed below.

Initially, Applicant submits that Maillard, in col. 2, lines 8-23, arguably teaches (not admitted) local encryption of a second key and fails to teach or fairly suggest *any* "local network," as required by claim 1.

It is alleged in the Office Action that the recitation "at least one restitution device" of claim 1 reads on the decoder disclosed in col. 2 lines 8-23 of Maillard, the recitation "master security module" of claim 1 reads on the smart card disclosed in col. 2, lines 8-23 of Maillard and the recitation "network key" of claim 1 reads on the second key disclosed in col. 2, lines 8-23 of Maillard.

As disclosed in col. 2, lines 8-23 of Maillard, the second key is stored in the smart card (portable support device). The second key from the smart card is transferable to a decoder *only* when the smart card is attached to the decoder (smart card is adapted to be releasably received by the decoder). Namely, in order to transfer the second key to multiple decoders, the smart card has to be released from one decoder and attached to another decoder. Maillard fails to disclose, teach or fairly suggest "securely transmitting the network key **over the local network**," let alone securely transmitting the network key to the at least one security module attached to the at least one restitution device and at least one diffusion and re-encrypting device, as required by independent claim 1. (Emphasis Added)

Additionally, in view of the amendments to claim 1, Applicant submits that Maillard fails to disclose, teach or fairly suggest "**decrypting the encrypted data stream by the at least one diffusion and re-encrypting device, re-encrypting the decrypted data stream by the at least one diffusion and re-encrypting device using a local key, the local key being a session key that is generated by the at least one diffusion and re-encrypting device and that is encrypted by the network key**," as recited in independent claim 1. (Emphasis Added)

Acknowledging the deficiencies of Maillard in teaching each and every limitation of claim 1, the Examiner relies on the teachings of Cheriton to cure the noted deficiencies of Maillard. Particularly, the Examiner alleges that the combination of Maillard and Cheriton renders the limitations of claim 1 obvious to one of ordinary skills in the art.

However, in view of the amendments to claim 1 above, Applicant submits that Cheriton fails to teach or fairly suggest **“transmitting the re-encrypted data stream to the at least one restitution device, and decrypting the received encrypted data stream by the at least one restitution device using the associated security module, the associated security module including means to decrypt the local key using the network key,”** as recited in independent claim 1. Cheriton fails to overcome the noted deficiencies of Maillard. Therefore, the combination of Maillard and Cheriton (if combinable, which is not admitted) also fails to render the limitations of independent claim 1 obvious to one of ordinary skills in the art. Claims 2-11, dependent on claim 1, are also allowable at least for reasons given above with respect to claim 1 and also on their own merits.

Therefore, Applicant respectfully requests the Examiner withdrawn the rejection of claims 1-11 under 35 U.S.C. §103.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the rejections, and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicant hereby petitions for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/AZP
At